

ANN-MARTHA ANDREWS  
Nevada Bar No. 7585  
AAndrews@LRLaw.com  
LEWIS AND ROCA LLP  
3993 Howard Hughes Parkway  
Suite 600  
Las Vegas, Nevada 89169  
(702) 949-8200  
(702) 949-8398 (fax)

JOSEPH J. HASMAN  
jhasman@cmn-law.com  
CHITTENDEN, MURDAY & NOVOTNY LLC  
303 West Madison Street  
Suite 1400  
Chicago, Illinois 60606  
(312) 281-3600  
(312) 281-3678 (fax)

Attorneys for Plaintiff  
Midland National Life Insurance Company

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MIDLAND NATIONAL LIFE  
INSURANCE COMPANY,

Plaintiff,

vs.

ANGELIQUE KNIGHT and STEVEN  
LIGUORI,

Defendants.

Case No. 2:11-cv-00433-JCM-LRL

**PLAINTIFF'S *EX PARTE* MOTION  
FOR RESTRAINING ORDER**

Plaintiff Midland National Life Insurance Company ("Midland") moves this Honorable Court for an *Ex Parte* Restraining Order pursuant to 28 U.S.C. § 2361, and in support states as follows:

1           1.       Midland has filed its Complaint In Interpleader under 28 U.S.C. §§1335,  
2       1397, and 2361 (2010) to resolve competing claims to certain life insurance benefits paid  
3       under Midland's life insurance Policies No. 1502783862 and 1502783864 ("Policies") and  
4       now held by Midland in a Retained Asset Account ("RAA").

5           2.       Midland wishes to deposit its admitted liability in the amount of \$607,021.56  
6       with the Registry of this Court. This is the amount of money now in the RAA.

7           3.       Midland now moves this Honorable Court to enter an *Ex Parte* Restraining  
8       Order as provided for by 28 U.S.C. § 2361, which states, in relevant part:

9                   In any civil action of interpleader or in the nature of interpleader under  
10                  section 1335 of this title, a district court may issue its process for all  
11                  claimants and enter its order restraining them from instituting or prosecuting  
12                  any proceeding in any State or United States court affecting the property,  
13                  instrument or obligation involved in the interpleader action until further  
14                  order of the court.

15       28 U.S.C. § 2361 (2010).

16           4.       The restraining order provided for by 28 U.S.C. § 2361 is excepted from the  
17       requirements of Rule 65(b) of the Federal Rules of Civil Procedure by Rule 65(e) which  
18       provides, in relevant part: "These rules do not modify . . . 28 U.S.C. § 2361, which relates  
19       to preliminary injunctions in actions of interpleader or in the nature of interpleader."  
20       FED. R. CIV. P. 65(e).

21           5.       Accordingly, this Court has the power to enjoin, without notice, other actions  
22       seeking a determination of the rights being contested in order to protect the stakeholder  
23       from vexatious and multiple litigation. *See Orseck, P.A. v. Servicios Legales De*  
24       *Mesoamerica S. De R.L.*, 699 F. Supp. 2d 1344, 1350-1351 (S.D. Fla. 2010); *Star Ins. Co.*  
25       *v. Cedar Valley Express, LLC*, 273 F. Supp. 2d 38, 42-43 (D.D.C. 2002); *see also* LRCiv  
26       7-5 (requiring explanation of good cause and why stipulation is, in this case, unnecessary).

27           6.       Midland is faced with a real threat of multiple litigation relating to the  
28       subject matter of this interpleader suit.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of March, 2011.

BY: /s/ Ann-Martha Andrews

Las Vegas, Nevada 89169

Chicago, Illinois 60606

2343324.1

# **EXHIBIT A**

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1 ANN-MARTHA ANDREWS  
2 Nevada Bar No. 7585  
3 AAndrews@LRLaw.com  
4 LEWIS AND ROCA LLP  
5 3993 Howard Hughes Parkway  
6 Suite 600  
7 Las Vegas, Nevada 89169  
8 (702) 949-8200  
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17 MIDLAND NATIONAL LIFE  
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22 LIGUORI,

23 Defendants.

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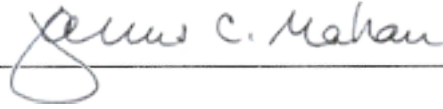
**RESTRAINING ORDER**

25 This cause is before the Court on the *Ex Parte* Motion of Midland National Life  
26 Insurance Company for a restraining order pursuant to 28 U.S.C. § 2361,  
27  
28

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

(1) Defendants Angelique Knight and Steven Liguori and any person or entity claiming on behalf of or through them or any of them are restrained from instituting or prosecuting any proceeding in any state or federal court concerning the life insurance proceeds paid by Midland National Life Insurance Company under its Policies No. 1502783862 and 1502783864 and now held by Midland National Life Insurance Company in Retained Asset Account No. 500297754 until further order of this Court.

(2) Leave is granted to serve this Restraining Order in the same manner of service as the summons and complaint.



**Dated:** March 25, 2011 at 2:45 p.m.